

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>F. RAYLENE OWEN,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48000</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 8, 2008, Diane M. DeVries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by George Rosenberg, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**8880 East Mexico Drive, Denver, Colorado
(Arapahoe County Schedule No. 1973-21-4-04-006)**

The subject property is a vacant 1.5-acre site in unincorporated Arapahoe County. Located adjacent to and used in conjunction with 1741 South Parker Road, it is classified as a contiguous residential parcel with residential assessment. Historical use of the subject parcel is horse pasture. Miscellaneous improvements no longer contribute to value.

The parties stipulated to incorporation of relevant portions of testimony from Docket No. 47999 (1741 South Parker Road), the adjacent parcel.

Respondent assigned an actual value of \$154,938.00 for tax year 2007. Petitioner is requesting a value of \$112,500.00.

Petitioner did not present a market approach to value. Petitioner offered the draft of the 2005 Subarea Plan for the Four Square Mile Area, which identifies proposed changes in use along the South Parker Road corridor. Petitioner argued that Respondent's sales, located within this area, were purchased for potential future use and were not compatible with the subject's current use as pastureland. The subject property is zoned RA. Respondent's comparables were zoned as follows: Sale 1 as R3-PUD; Sale 2 as B-1 PUD; Sale 3 as R-PM PUD; and Sale 4 as M-U PUD.

Because there has been no change in use for the subject parcel (pastureland), Petitioner is requesting that the value for tax year 2007 remain the same as for tax year 2005 (\$112,500.00).

Respondent's witness presented an indicated value of \$191,000.00 for the subject property based on the market approach. Parameters for comparable sale selection included proximity and Parker Road access and visibility. Four comparable sales, ranging in sales price from \$114,000.00 to \$459,400.00, were presented. Respondent's witness concluded to a market value of \$262,500.00, which then was adjusted for a sewer system (\$17,900.00), water tap (\$3,500.00), and demolition cost for the miscellaneous improvements (\$50,000.00).

Petitioner did not present sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007.

The Board is not convinced that Respondent's comparable sales were representative of the subject property's current use. The parties do not dispute that Colorado is an "actual use" state, and that comparable sales should share similar use to the subject property. None of Respondent's comparable sales were purchased for pastureland, and search parameters excluded a wider search for similar-use transactions. The Board is convinced that all were purchased for development potential and that sales prices reflected future use. However, Petitioner did not provide the Board with market data to contest the assigned value of \$154,938.00. Respondent's indicated value by market approach is much higher than the assigned value.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the Respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

DATED and MAILED this 24th day of September 2008.

BOARD OF ASSESSMENT APPEALS

Diane M. DeVries

Diane M. DeVries

MaryKay Kenney

MaryKay Kenney

This decision was put on the record

SEP 24 2008

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

Heather Flannery
Heather Flannery

